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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 17 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

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To: The Commission - Mail Stop 1170

RESPONSE TO MSTV'S EX PARTE PRESENTATION

1. This is the response of Polar Broadcasting, Inc. ("Polar") to the *ex parte* filing in this proceeding, made on November 20, 1997, by the Association for Maximum Service Television, Inc. and other broadcasters ("MSTV").^{1/}

2. Polar is the licensee of K30BI, a low power television station operating on Channel 30 at San José, California. In the *Sixth Report and Order*, the Commission proposed to allot Channel 30 for digital operation by KPST-TV, which provides NTSC service on Channel 66 at Vallejo, California. KPST-TV's digital operation will likely displace K30BI, because both KPST-TV and K30BI have a substantial number of viewers in the San Francisco area; but because KPST-TV is not a major network affiliate, it is not likely to be one of the first stations to commence digital operation, thereby giving Polar time to plan for a new channel for K30BI.

3. MSTV has proposed Channel 30 for use by KQED-TV, which provides NTSC service on Channel 9 at San Francisco. That proposal will also displace K30BI. However, KQED-TV is one of the nation's leading PBS stations and is likely to commence digital operation at an early

^{1/} The Commission invited comments in MSTV's presentation by public notice of December 2, 1997.

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date. Polar will thus be forced to move K30BI to a new channel much earlier if Channel 30 is allotted to KQED-TV.

4. At paragraph 182 of the *Sixth Report and Order* in this proceeding, the Commission made it clear that:

"[W]e will review all requests for modification of the DTV Table for their impact on low power stations. Industry coordinating committees therefore are strongly advised that they should consider LPTV and TV translator stations in developing proposed modifications to the DTV Table and avoid impact on such stations wherever possible."

5. MSTV's proposal does not adhere to the above admonition, as it will have a serious adverse impact on K30BI, and no one ever discussed or coordinated the proposal with Polar. Thus Polar objects to the proposal to allot Channel 30 for use by KQED-TV rather than KPST-TV. Indeed, Polar does not support the allotment to KPST-TV either. It believes that every effort should be made to preserve K30BI's unique service, which includes a substantial amount of local programming. K30BI broadcasts 24 hours a day and is the only independent Spanish language station in the fourth largest Hispanic market (San Francisco-San José) and the only station in the market providing consistent daily programming of news and entertainment to over 40,000 persons of Korean descent. The station broadcasts Spanish language programming from 6 a.m. to 6 p.m. daily, including 11 hours a week of educational documentary programs, five hours a week of news, and two and one-half hours of live call-in public affairs programming. From 6 p.m. to 12 midnight, the station broadcasts Korean language programming, including 5-1/2 hours a week of news, one hour a week of documentary and educational programming, and a half-hour local community program.

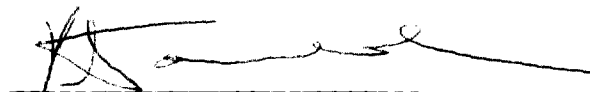
6. The unique programming of K30BI should be displaced only as a last resort. However, MSTV's Channel 30 proposal is worse than the *Sixth Report and Order*, so MSTV's proposal should be in all events rejected with respect to that channel.

Respectfully submitted,

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December 17, 1997


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CERTIFICATE OF SERVICE

I, Laura Ann Campbell, do hereby certify that I have, this 17th day of December, 1997, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Response to MSTV's *Ex Parte* Presentation" to the following:

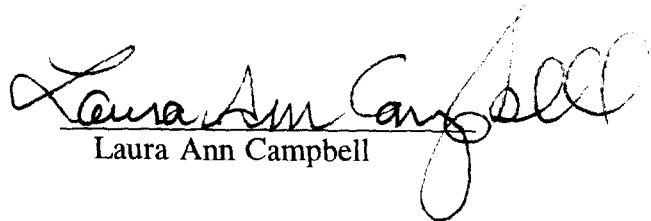
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